ARTICLE II

PROCEDURES FOR PLAT APPROVAL

2-101 General Procedure

2-101.1 Plat Approval Requirements

Before any contract is executed for sale of any parcel of land located within a site that is proposed to be subdivided and before any permit for erection of any structure in a proposed subdivision shall be granted, the owner or his authorized agent shall apply for and secure the planning commission's approval of the proposed subdivision in accordance with the procedures of this article.

2-101.2 Classification of Subdivisions

The planning commission shall classify each subdivision proposal as either major or minor as defined herein. (See Article VI, for definitions)

2-101.201 Review Procedure

The subdivider shall follow the procedure described below in order to secure plat approval.

a. Minor Subdivision

- (i) Preapplication conference with the Enforcing Officer including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.
- (ii) Submittal of a final plat, prepared, in accordance with the specifications in Section 5-104, herein, for approval by the planning commission.
- (iii) When a subdivision plat is presented that involves a minor lot line adjustment to a single lot or divides a single tract into no more than two lots and does not involve any street or public utility construction to serve such lot(s), the approval may be endorsed in writing on the plat by the secretary of the planning commission upon certification by the Enforcing Officer that the subdivision complies in all respects with these regulations and all other adopted ordinances and policies of the governing body. No plat may be approved under this provision if such plat involves a request for a variance from these regulations or of if such plat is not in total compliance with all ordinances or policies of the city.

(iv) Any person authorized to endorse approval on a final plat, as provided in Subpart (iii), above, may refuse to endorse approval of the plat and request consideration of the plat by the planning commission at the next regularly scheduled meeting of the body.

b. Major Subdivision

- (i) Preapplication conference on the subdivision with the Enforcing Officer.
- (ii) Submittal of a conceptual plan prepared in accordance with Section 5-101, herein, for planning commission approval.
- (iii) Submittal of the preliminary plat, prepared in accordance with Section 5-102, herein, for planning commission approval
- (iv) Submittal of construction plans prepared in accordance with Section 5-103, herein, for approval
- (v) Submittal of the final subdivision plat prepared in accordance with Section 5-104, herein, for planning commission approval.

2-101.3 Official Submission Date

For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the planning commission where the public hearing on the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat when the statutory period required in Section 13-4-304, <u>Tennessee Code</u>, for formal approval or disapproval of the plat shall commence.

2-101.4 Policy on Flood Prone Areas

In determining the appropriateness of land subdivision at any site containing a flood prone area, the planning commission, in reviewing any plat, shall consider the policy and purpose set forth in Section 1-104, of these regulations, and, additionally:

- 1. the danger to life and property due to increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses:
- 2. the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;

- 3. the adequacy of the proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;
- 4. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;
- 5. the importance of the services provided by the proposed facility to the community at large;
- 6. the requirements of the subdivision for a waterfront location;
- 7. the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
- 8. the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;
- 9. the relationship of the proposed subdivision to the land development plan and the floodplain management program for the area;
- 10. the safety of access to the property for emergency vehicles in times of flood;
- 11. the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;
- 12. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and
- 13. the effect of the proposed subdivision upon the governing body's participation in the National Flood Insurance Program, if such governing body is, or elects to be, in the program.

No subdivision or part thereof shall be approved by the planning commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred-year flood level) shall be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. If deemed necessary by the planning commission, specific engineering studies are to be formulated by the developer in those areas where flood data are not currently available.

In any instance where the planning commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

In approving plans for subdivision of land containing flood prone areas, the planning commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by the zoning regulations and that development within any floodway fringe area of the floodplain (within the one hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article IV, of these regulations.

The planning commission shall disapprove the subdivision of any land containing a flood prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section or that proper safeguards and improvements to these areas have not been proposed.

2-101.5 <u>Special Provisions Governing Unit Ownership (Condominium)</u> Subdivisions

2-101.501 General Provisions

- a. <u>Intent</u> -- This section is intended to augment the general legislation of Sections 66-27-101 through 66-27-123, <u>Tennessee Code</u>, entitled "Horizontal Property Act," by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Section 66-27-121, <u>Tennessee Code</u>.
- b. Applicability -- Whenever a developer, the sole owner, or the coowners of a building or buildings expressly declare through submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Sections 66-27-101 through 66-27-123, Tennessee Code, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property is subject to the provisions of these regulations.

2-101.502 Submission of Plat Required

Prior to sale or transfer of any portion of the land or buildings incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the planning commission a subdivision plat of such property in the manner prescribed by this article. Such plat, if approved, shall be filed with the county register in the manner prescribed by this article.

2-101.503 Determination of Subdivision Type

Condominium subdivisions shall be classified by the planning commission during the plat review process as either a horizontal condominium or a vertical condominium as defined in Article VI, of these regulations.

2-101.504 Procedure

An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval, as set forth in this article.

2-101.505 Contents of Plans and Documents

The plats, plans, and documents submitted by an applicant seeking approval of condominium subdivision shall conform to the specifications set forth in Article V, of these regulations.

2-102 Conceptual Plan (Major Subdivisions Only)

2-102.1 Purpose of Conceptual Plan

After the pre-application conference, a conceptual plan shall be submitted for all "major subdivisions", (as defined by these regulations). As used in these regulations, the term "Conceptual Plan" refers to a group of preliminarily engineered conceptual documents drawn to illustrate initial thoughts about a conceptual layout for greenery lands, house sites, and street alignments. A major element of this plan is documentation and evaluation of environmental conditions found upon a site. This is the stage where drawings are *conceptually* illustrated, before significant engineering costs are incurred in the detailed design of any proposed subdivision layout. The objective of this process is to manage each development site in a fashion that will accommodate reasonable use consistent with applicable zoning law while simultaneously protecting, preserving and enhancing the natural environment.

The Conceptual Plan shall be prepared by individuals who are licensed to perform the necessary design services. Such plan shall be submitted by the applicant to the Enforcing Officer who will then submit it to the planning commission for review for the purpose of securing early agreement on the overall pattern of streets, houselots, conservation areas, and potential trail linkages (where applicable), prior to any significant expenditures on engineering costs in the design of streets, stormwater management, or the accurate delineation of internal lot boundaries.

2-102.2 <u>Conceptual Plan Requirements (Major Subdivisions)</u>

The conceptual plan shall include the information set forth in Section 5-101.

2-102.3 Approval of Conceptual Plan

When a conceptual plan is submitted for planning commission approval, the number of copies required and timing of the submission shall be as for a preliminary plat. Approval of the conceptual plan shall constitute authorization to prepare and present a preliminary plat and detailed construction drawings, plans and specifications for the proposed development.

2-102.4 Expiration of Approval

The approval of the conceptual plan shall expire within one (1) year unless a preliminary plat is filed for all or a portion of the land included within the approved conceptual plan. A one (1) year extension may be granted if application is made no less than sixty (60) days prior to the expiration date. In the event the conceptual plan expires such plan shall become null and void and be of no further effect.

2-103 Preliminary Plat (Major Subdivisions Only)

2-103.1 Purpose of Preliminary Plat

The preliminary plat is a detailed engineering document. Such plat will reflect results of design decisions that have been made in the process of adapting the general concepts contained within the conceptual plan to the engineering realities of the site. Prior to final approval of a preliminary plat and construction drawings, no clearing of trees (with the exception of those required to facilitate surveying activities) or site grading in any form shall be undertaken.

2-103.2 Application Procedure and Requirements

The applicant shall file with the planning commission a preliminary plat. Failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a preliminary plat. The preliminary plat shall be prepared in accordance with Section 5-102, and:

- 1. Be presented at the office of the Enforcing Officer on or before the scheduled deadline as established by the city for consideration at a regular (officially opened) meeting of the planning commission.
- 2. Include the entire subdivision, or, when phasing is proposed, section thereof, for which preliminary approval is sought and all land immediately adjacent, extending two hundred (200) feet therefrom, or of that directly opposite thereto, extending two hundred (200) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development; and
- 3. be accompanied by a minimum eighteen (18) copies of the preliminary plat as described herein.

2-103.3 Plat Preparation and Content

A preliminary plat shall be prepared by a registered surveyor. As a minimum, such plat shall contain the information contained in Section 5-102, of these regulations.

2-103.4 Preliminary Design Certification

A "Preliminary Design Certification" shall accompany any preliminary plat submitted under authority of these regulations. Such certification shall indicate that such plat either fully complies with all provisions of the city's zoning ordinance and subdivision regulations or that the plat complies with such provisions with specifically noted exceptions. Any variance(s) requested from these regulations shall conform to the provisions of Subsection 1-111.2, Variance Procedures. This certification requirement is meant to provide the city with assurance that the proposed plan can be accomplished within the current ordinances and regulations of the city.

2-103.5 Administrative Review

An administrative review meeting shall be conducted on the preliminary plat and any exhibits submitted in conformance with these regulations. This review shall include the Enforcing Officer and any other appropriate governmental representative(s). The findings of the review committee shall be presented to the planning commission along with the preliminary plat.

2-103.6 Notice of Hearing

The planning commission shall hold a hearing as required by Chapter 4, of Title 13, Tennessee Code, on each preliminary plat brought before it.

2-103.7 <u>Tentative Approval</u>

After the planning commission has reviewed the preliminary plat, exhibits, and the results of administrative review, the applicant shall be advised of any required changes. The planning commission shall tentatively approve (subject to approval of construction plans), conditionally approve, or disapprove the preliminary plat.

No action of the planning commission tentatively approving a preliminary plat shall become final until construction plans meeting the specifications appearing in Section 5-103, of these regulations have been approved.

2-103.8 Final Approval of Preliminary Plat

Following tentative approval of the preliminary plat, construction plans shall be presented for review and approval of the City Engineer. Upon approval of the construction plans, a development agreement shall be drafted and submitted to the applicant for acceptance. When the signed development agreement is received at the office of the City Engineer the preliminary plat shall be placed on the agenda of the planning commission for final approval.

2-103.9 <u>Certificate of Preliminary Approval</u>

Upon final approval of the preliminary plat the planning commission may issue a <u>certificate of preliminary approval.</u> The applicant may then proceed to apply for final subdivision plat approval in the manner prescribed by Section 2-105, of these regulations.

When the secretary of the planning commission has signed the certificate of preliminary approval, one (1) copy of the preliminary plat, construction plans and development agreement with the date of approval noted thereon shall be returned to the developer. If a preliminary plat is disapproved the planning commission shall state specific reasons for disapproval which shall be entered into the minutes of the meeting wherein such action was taken.

2-103.10 Effective Period of Preliminary Approval

The approval of a preliminary plat shall be effective for a period of one (1) year. Any portion of the subdivision contained within the boundary of an approved preliminary plat, which has not received final plat approval on or before expiration of the one (1) year period, shall be null and void, unless an extension of such approval is obtained as provided herein. At the discretion of the planning commission approval of a preliminary plat may be extended for additional periods not to exceed twelve (12) months in duration. No more than one (1), twelve (12) month, extension shall be granted. In the event a preliminary plat expires and the planning commission determines that conditions affecting any portion of a preliminary plat for which final approval has not been obtained have changed so as to materially affect the design of the approved preliminary plat, the developer shall be required to submit a new plat subject to the zoning provisions, subdivision regulations and all other applicable ordinances and regulations in effect at the time such submittal is made.

2-103.11 <u>Application of Changes Within Land Use Regulations to Approved Preliminary Plats</u>

Every plat shall conform to all existing zoning provisions and subdivision regulations applicable at the time of proposed final approval, except that any final plat contained within the bounds of a preliminary plat the approval of which remains in effect shall be exempt from any subsequent amendments to such zoning ordinance or these regulations that may render the plat nonconforming as to bulk, use, or development standards. No final plat, shall be approved unless the preliminary plat of the development or affected portion thereof is obtained within the effective period of preliminary approval set forth in Subsection 2-103.10, Effective Period of Preliminary Approval.

2-103.12 Changes to an Approved Preliminary Plat

As a result of unforeseen conditions associated with a particular site, changes may be required in approved preliminary plats. No change shall be implemented and no construction associated therewith shall be initiated until a revised preliminary plat and construction plans have been submitted to the office of the Enforcing Officer and approved so as to reflect the proposed change. The Enforcing Officer may approve changes that involve minor revisions in the location of utilities, roadways, etc. Changes involving the following conditions shall only be made upon approval of revised construction plans and a revised preliminary plat:

- 1. Any increase in the number of building sites;
- 2. Any addition or removal of a public way;

- 3. Any "significant change" (as determined by the Enforcing Officer) in the approved drainage design for the subdivision;
- 4. Any "significant change" (as determined by the Enforcing Officer) in the approved design of utilities; and

2-104 Construction Plans (Major Subdivisions Only)

2-104.1 Application Procedure and Requirements

Construction plans may be prepared and presented, at any point in time concurrent with or following tentative approval of a preliminary plat. In no instance, however, shall the approval of a preliminary plat become final until construction plans are approved. Construction plans shall contain the information required by and be prepared in accordance with Section 5-103, and:

- 1. be presented at the office of the Enforcing Officer;
- 2. include the entire subdivision, or, (when phasing has been approved in the conceptual plan), the entire section which shall correspond to the territory incorporated within the preliminary plat; and
- 3. be accompanied by a minimum of three (3) copies of the construction plans as described, herein.

2-104.2 Construction Plan Preparation and Content

Construction plans shall be prepared and submitted by a Tennessee Licensed Engineer engaged in the practice of civil engineering. As a minimum, such plans shall include the information contained in Section 5-103, of these regulations.

2-104.3 Plan Review and Approval

A plan review meeting shall be conducted for the purpose of assuring a coordinated review of construction plans. This meeting shall include the Enforcing Officer, and any other appropriate governmental representative(s). It shall be the responsibility of this committee to assure that the construction plans are in compliance with the provisions of these regulations, other appropriate city ordinances and sound engineering practice. The committee shall approve or disapprove the construction plans. In any case where revisions may be required for plans to receive unconditional approval such revisions shall be accomplished prior to final approval of the preliminary plat. In the event of plan disapproval the committee shall provide notice, thereof, to the submitter in writing. Such notice shall include specific provisions of these regulations and/or other ordinances with which such plans do not comply.

2-104.4 <u>Development Agreement</u>

A completed "Development Agreement" and accompanying reclamation bond shall have been prepared and executed prior to initiation of any "land development activity" within any development to which these regulations are applicable. Following approval of the construction plans, a draft development

agreement shall be prepared by the Plan Review Committee. The draft agreement shall reference the design incorporated within the approved construction plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed minimum standards established by the city. The draft development agreement and an estimate of the amount of a reclamation bond or performance bond, (as applicable) shall be sent to the applicant for approval. Upon acceptance of the agreement by the applicant, the proposed development agreement accompanied by the approved construction plans and reclamation or performance bond shall be forwarded to the planning commission for approval. Development activity may begin upon approval of the agreement and establishment of the required bond.

2-104.5 Dispute Resolution

In the event that a dispute should arise concerning interpretation or application of these regulations to the information contained within construction plans, the planning commission shall act to resolve such dispute. The Enforcing Officer shall present written recommendations and the applicant shall be afforded an opportunity to present supporting data and information with regard to the specific disputed issue. The planning commission shall act to decide the issue and its action shall be final, subject to legal review.

2-104.6 Changes to Approved Construction Plans

As a result of unforeseen conditions associated with a particular site, changes may be required in approved construction plans. No change shall be implemented and no construction associated therewith shall be initiated until approved by the enforcing officer. At his sole discretion, the enforcing officer may require revision of construction plans when the proposed change so warrants.

2-105 Final Subdivision Plat (Minor and Major Subdivision)

2-105.1 Purpose of Final Plat

The purpose of a final subdivision plat is twofold. First, such plat provides the legal instrument whereby transfer of ownership of lots may be accomplished. Secondly, final plats constitute a means whereby the person subdividing property may offer streets and other infrastructure for acceptance and maintenance by the public.

2.105.2 Application Procedure and Requirements

A subdivider shall file with the planning commission a final plat. The plat shall be prepared in accordance with Section 5-104, and:

- 1. include the entire subdivision, or section thereof, for which final approval is sought; (Note: In any instance where a final plat involves only a portion of the land contained within an approved preliminary plat such sectionalization shall have been approved with the preliminary plat.)
- 2. be accompanied by a minimum of eighteen (18) copies of the final subdivision plat as described herein.

- 3. in the case of major subdivisions, correspond with the approved construction drawings and preliminary plat;
- 4. be presented at the office of the Enforcing Officer on or before the scheduled deadline as established by the city for consideration at a regular (officially opened) meeting of the planning commission.
- 5. be accompanied by appropriate surety instruments in a form satisfactory to legal counsel and in an amount specified in the development agreement guaranteeing performance of all actions contained in the development agreements,. The bond shall include provisions that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the planning commission, including, but without limitations, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the governing body free and clear of all liens and encumbrances on the premise(s);
- 7. be accompanied by written assurance from any utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the planning commission upon preliminary plat approval; and
- 8. be accompanied, if the final plat contains jointly held open space, recreational facilities, or any portion of the site that is held in common ownership, by the following documentation for approval by the planning commission:
 - (a) plans for improvement and maintenance of the open space or facilities located thereon;
 - (b) articles of incorporation and by-laws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision; and
 - (c) declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer.

2-105.3 <u>Endorsement of Notations</u>

The notations and certifications required by Subsection 5-104.3 (Plat Certificates), of these regulations, to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the certificate of planning commission approval shall be signed at the time specified in Section 2-106, of these regulations.

2-105.4 <u>Hearing and Decision on Final Plat</u>

The planning commission shall hold a hearing as required by Section 13-4-304, Tennessee Code, on each final plat brought before it. The planning commission shall, within sixty (60) days, after submission of the plat, approve, modify, or disapprove the final subdivision plat. Where the action is "approval with modifications" or disapproval the commission shall set forth in detail any conditions to which such approval is subject, or reasons for disapproval.

Failure of the planning commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed shall be issued, upon demand, by the secretary of the planning commission. The applicant, however, may agree to an extension of the time for planning commission review.

One (1) copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon.

2-105.5 <u>Vested Rights</u>

Until actual signing of the final plat by the secretary of the planning commission no vested rights shall accrue to any plat by reason of preliminary or final approval. All requirements, conditions, or regulations adopted by the planning commission, applicable to the particular subdivision or to all subdivisions generally, shall be deemed a condition of approval for any subdivision prior to the time of the signing of such final plat. Where the planning commission has required the installation of improvements prior to the signing of the final plat, the planning commission shall not modify unreasonably the conditions set forth in the resolution of final approval.

2-106 Signing and Recording of Subdivision Plat

2-106.1 Signing of Plat

- When a performance bond is required, the secretary of the planning commission may endorse approval on the final plat after the planning commission has approved the development agreement and accompanying bond.
- When installation of improvements is required, the secretary of the planning commission may endorse approval on the final plat after all conditions of the development agreement have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the accepting body as shown on certifications by the appropriate governmental representative(s) and that necessary land dedications and improvements have been accomplished.
- 3. When the conditions of this section are satisfied, the secretary may sign the permanent reproducible original of the subdivision plat.

2-106.2 Recording of Plat

It shall be the responsibility of the Enforcing Officer to file the approved plat with the county register's office within ten (10) working days following the date of final signature. The owner of the property or his authorized agent shall pay the appropriate filing fee. Any individual requesting a building permit for a lot located within an established subdivision shall provide evidence that the plat of subdivision wherein such lot is located has been approved and appropriately recorded.

2-106.3 Sectionalizing Major Subdivision Plats

When sectionalization is approved within a preliminary plat, a final plat may be approved in two (2) or more sections and the planning commission may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision.

The planning commission shall require that appropriate development agreements and surety instruments guaranteeing the performance of such agreements, be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required principal amount of such surety until the remaining sections of the plat are offered for filing. Where certain improvements are in the opinion of the planning commission necessary to facilitate traffic movement, water distribution, sewer collection, stormwater drainage, detention and conveyance, street lighting, electric power supply and any other infrastructure within future sections of a development the commission may require that such systems be constructed as part of any section of a subdivision.